

**MINUTES OF THE  
EXECUTIVE OFFICES & CRIMINAL JUSTICE  
JOINT APPROPRIATIONS SUBCOMMITTEE  
ROOM 405 STATE CAPITOL BUILDING**

January 24, 2001

**Members Present:** Sen. D. Chris Buttars , Co-Chair  
Rep. A. Lamont Tyler, Co-Chair  
Sen. Pete Suazo  
Rep. Ron Bigelow  
Rep. Gary F. Cox  
Rep. Scott Daniels  
Rep. Paul Ray  
Rep. Mike Thompson

**Members Absent:** Sen. Peter C. Knudsen

**Staff Present:** Bill Dinehart, Fiscal Analyst  
Dr. Andrea Wilko, Fiscal Analyst  
Cherri White, Committee Secretary

**Visitors List:** List filed with Committee Minutes

Co-Chair Tyler called the meeting to order at 2:10 p.m. and called for a motion to approve the minutes of January 22, 2001.

**MOTION:** Representative Cox moved to approve the minutes of January 22, 2001. The motion passed unanimously with Senator Knudsen and Representative Bigelow absent for the vote.

**MOTION:** Representative Cox moved to tentatively approve the budget for the Governor as detailed below in the amount of \$5,036,500.

|            |                           |              |
|------------|---------------------------|--------------|
|            | General Fund:             | 2,947,300    |
|            | Dedicated Credits Revenue | 66,200       |
|            | Restricted Revenue        | 2,000,000    |
| Transfers: | Environmental Quality     | 4,000        |
|            | Health                    | 6,000        |
|            | Human Services            | 6,000        |
|            | Natural Resources         | 3,000        |
|            | Workforce Services        | <u>4,000</u> |
|            |                           | 5,036,500    |

The Office of Planning and Budget in the amount of \$4,928,100.

|            |                            |               |
|------------|----------------------------|---------------|
|            | General Fund               | 3,681,200     |
|            | Federal Funds              | 100,000       |
|            | Dedicated Credits Revenue  | 293,200       |
|            | Olympic Special Revenue    | 341,700       |
| Transfers: | Administrative Services    | 162,000       |
|            | Comp Emergency Mgt         | 25,000        |
|            | Dept. of Community & Econ  | 300,000       |
|            | Trust Lands Administration | <u>25,000</u> |
|            |                            | 4,928,100     |

Utah Commission on Criminal and Juvenile Justice in the amount of \$17,104,000.

|                                 |                           |                |
|---------------------------------|---------------------------|----------------|
|                                 | General Fund              | 1,569,700      |
|                                 | Federal Funds             | 14,699,800     |
|                                 | Dedicated Credits Revenue | 65,000         |
| Crime Victims Reparations Trust |                           | <u>769,500</u> |
|                                 |                           | 17,104,000     |

All of these figures represent the 1% General Fund monies reduction. The motion passed unanimously with Senator Knudsen and Representative Bigelow absent for the vote.

**MOTION:** Senator Buttars moved to add to the priority list should General Fund monies become available \$65,000 to the Elections line item of the Governor's budget to pay for the costs of Initiative B. The motion passed 5-2 with Senator Suazo and Representative Cox voting no, and Senator Knudsen and Representative Bigelow absent for the vote.

**MOTION:** Senator Buttars moved to add RS 2477 as a separate line item in the Governor's budget and adopt the following intent language:

*"It is the intent of the Legislature that funds expended from the RS 2477 fund be used for litigation designed to quiet title to existing rights of way established before 1976 under RS 2477 guidelines. It is further the intent of the Legislature that the Governor or his designee shall present a report to the Legislature during each General Session detailing activities funded within this line item."*

The motion passed unanimously with Senator Knudsen and Representative Bigelow absent for the vote.

**MOTION:** Representative Daniels moved to add the Governor's Emergency Fund in the amount of \$100,000 to the priority list to be used for State emergencies, should

General Fund monies become available. The motion passed unanimously with Senator Knudsen absent for the vote.

Representative Tyler gave direction to staff to add the nonlapsing intent language to the highlight list that the Legislative Fiscal Analyst is to prepare for the committee's review toward the end of the session.

**MOTION:** Representative Cox moved to add to the priority list should General Fund monies become available \$50,000 in FY 2001, and \$100,000 in FY 2002 to the budget of the Office of Planning and Budget for reprogramming of Utah Process Economic and Demographic Model. This is one time monies. The motion passed unanimously with Senator Knudsen absent for the vote.

**MOTION:** Representative Daniels moved to add to the priority list should General Fund monies become available \$36,000 in FY 2001, and an ongoing increase in FY 2002 by \$50,000 to Extraditions in the budget of Utah Commission on Criminal and Juvenile Justice. The motion passed unanimously with Senator Knudsen absent for the vote.

Fiscal Analyst, Dr. Andrea Wilko presented the Analyst's recommendations for the Attorney General (tab 12). Dr. Wilko indicated to the committee that the Attorney General's Office is given the responsibility by the Utah Constitution to act as the legal advisor to the Governor and all of the executive branch agencies. The Attorney General must also prosecute or defend, in federal and state courts all cases where the State of Utah or any of its officers, boards or commissions is a party. With the 1% General Fund reduction the recommended budget from the Analyst is \$29,678,600. If General Fund monies become available the Analyst makes the following recommendation for the Attorney General's Office:

- 2 additional attorneys and support costs in the Child Protection division. The amount necessary for this would be \$148,400 in General Funds, and \$55,000 in Dedicated Credit Revenues.
- Full funding of the Obscenity and Pornography Ombudsman with an appropriation of \$75,000.
- The Analyst included funding of \$35,000 for the Prosecution Council from the Public Safety Support Fund.
- The Analyst also recommends nonlapsing Intent Language as follows:

*"It is the intent of the Legislature that funding for the Attorney General's Administration be nonlapsing."*

*It is the intend of the Legislature that funding for the Attorney General's Office be nonlapsing.*

*It is the intent of the Legislature that funding for Child Protection be nonlapsing.*

*It is the intent of the Legislature that funding for Domestic Violence be nonlapsing.*

*It is the intent of the Legislature that funding for the Prosecution Council be nonlapsing.*

*It is the intent of the Legislature that funding for Financial Crimes be nonlapsing.*

*It is the intent of the Legislature that funding for Children's Justice Centers be nonlapsing.*

*It is the intent of the Legislature that funding for Anti-Trust Prosecution be nonlapsing."*

Attorney General, Mark Shurtleff introduced his management team, Ray Hintze, Chief Deputy, Civil Matters; Ryan Mecham, Chief of Staff; Kirk Torgensen, Director Division of Field Operations, Corrections; Scott Mecham, Chief Administrative Officer; Creighton Horton, Director, Division Criminal Matters. Attorney General Shurtleff then proceeded to give the committee the presentation from the Attorney General's Office.

The first priority from the perspective of the Attorney General's Office would be a 10% salary increase for the 185 attorney's currently working within the department. The turnover rate among attorney's in the office over the last seven years has averaged 18%. As a result they have been losing good attorney's to other government agencies within state and local agencies, the federal government, and private firms. This has contributed to low moral within the office. Assistant Attorney's General are the lowest paid attorney's in the state.

Attorney General Shurtleff indicated that he was working within the office to streamline processes and make the office more efficient. He was addressing issues of productivity, time management, and consolidation of services. It was brought to the attention of the committee there were over 50 attorney's representing state government offices throughout the state. This produces a duplication of services, and a drain on the General Fund of the State. It is the desire of Attorney General Shurtleff to consolidate the services being offered by these attorney's back to the office of Attorney General. In addition these attorney's representing other state agencies are higher paid than those within the office of Attorney General. It is the opinion of Attorney General Shurtleff that this issue needs to be addressed and he considers it a priority. He distributed to the committee a list of state agencies with their own legal council.

The next priority that was addressed was the need for \$325,000 in FY 2001, and an additional \$650,000 in FY 2002 for costs associated with the transition to his administration. Attorney General Shurtleff brought on staff to replace the prior administrations executive staff. Several of the prior administrations executive staff has elected to stay on in the office, and as they are merit employees, they have the right to do so.

Overall, the Attorney General would like to see the 1% cut of General Fund monies be restored to his budget.

Co-Chair Tyler called for a 5 minute recess at 3:27 p.m., the meeting resumed at 3:40 p.m.

The next area of concern for the Attorney General is in regards to Crime Prevention and Children's Justice Centers. Currently the Attorney General and Emery County are working together on a joint project for a Children's Justice Center. Emery County has raised over \$25,000 to acquire and renovate a home for this purpose. The Attorney General would like to see \$40,000 added into the budget for this new Children's Justice Center. In Wasatch County over \$68,000 was raised to acquire and renovate a home for this purpose. The Attorney General would like to have an additional \$50,000 for this center. Finally, he would like to see an additional \$70,000 to be distributed among all justice centers for increased operation costs.

Attorney General Shurtleff indicated a need for \$50,000 additional funding to be used in the area of Child Pornography. The new "Porn Czar" is to be announced on Friday, January 26, 2001 at 2:00 p.m. Due to an increase in the problem with internet crimes and pornography there is an increased need for more funds to fight the problem as it has been defined by legislation passed by the Utah Legislature during the 2000 General Session.

In the area of Child Protection Services Attorney General Shurtleff indicated that while the two attorney's discussed by the Analyst have already been hired he will work within the current budget amount to address the needs of the salaries and benefits of these two individuals. He reiterated the need for the 1% General Fund restoration.

The committee was informed of a need within the area of Child and Family Services. Currently, Steve Mikita is an Assistant Attorney General on staff in this area. However, Mr. Mikita has extensive experience in the area of ADA (Americans with Disabilities Act) compliance and it is the desire of the Attorney General that Mr. Mikita be moved to cover issues of ADA compliance and an attorney be hired to replace him. The need of an additional \$90,000 is requested for this.

Under Prosecution Council the Attorney General is requesting authorization to spend an additional \$35,000. Monies for this section are collected through surcharges.

Attorney General Shurtleff responded to the intent language in the area of Medicaid Fraud with the distribution of SB 1 intent, and a handout titled "Utah Attorney General's Office Medicaid Fraud Control Unit Budget Hearing." Information from this was addressed by Gale Evans, Director Medicaid Fraud Unit. Also addressing the committee on this issue was Leon Sorenson, Executive Director, Utah Medical Association, and Creighton Horton, Attorney General's Office, Director Criminal Division.

The final issue addressed by the Attorney General's Office was in regard to a Crime Prevention Strategy that Attorney General Shurtleff would like to implement. He respectfully requested \$650,000 in General Fund monies to create a Crime Prevention Strategies section. This section would address the following issues:

- Methamphetamine initiatives
- Assistance with Case Management
- Closed societies investigations
- Internet Crimes against Children

- Computer forensics lab
- Utah Tracking and Analysis Project

Co-Chair Tyler thanked the Attorney General for his presentation and requested that the Attorney General provide for the committee a one page summary of his requests.

**MOTION:** Representative Cox moved to adjourn. The motion passed unanimously with Senator Knudsen absent for the vote. The meeting adjourned at 4:55 p.m.

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Senator D. Chris Buttars, Co- Chair

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Representative A. Lamont Tyler, Co-Chair